



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

December 1, 1987

TO: Board of Oil, Gas and Mining

FROM: David M. Wham, Reclamation Hydrologist *DW*

RE: Approval of Form and Amount of Surety, Southwestern
Portland Cement Company, Leamington Quarry, M/023/004,
Juab County, Utah

The above referenced cement plant and associated mining operations located largely on national forest service lands near Leamington, Utah, were transferred from Martin Marietta Corporation to Southwestern Cement Enterprise, Inc., on February 22, 1985. However, the Martin Marietta Bond has remained in effect pending receipt of a replacement.

This summer, the U.S. Forest Service received and approved a replacement bond from Southwestern, and have now requested that the Division take the following action:

1. Board concurrence on the form and amount of the replacement bond; American Casualty Company of Reading, Pennsylvania, Bond _____, on behalf of Southwestern Cement Enterprises, Inc., in favor of the United States, in the amount of \$386,000 effective June 9, 1987 (copy enclosed).
2. Release of the previous bond; General Insurance Company of America, Bond 29758R on behalf of Martin Marietta Corporation, in favor of the United States, in the amount of \$386,000 effective February 14, 1980 (copy enclosed).

The Division supports both Forest Service recommendations and requests the Board's concurrence.

SEE BOND FILE FOR ENCLOSURES!

re
enclosure
1359R-3

CURRENT REPLACEMENT BOND POSTED BY SOUTHWESTERN PORTLAND CEMENT COMPANY

Rec'd 11/16/87

Bond No. 1

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

RECLAMATION PERFORMANCE BOND

(Minerals Operating Plan and/or Exploration Permit, Including Geothermal)

(Reference FSM 6506)

INSTRUCTIONS: (1) This form is authorized for use whenever a Performance Bond is required in connection with National Forest Reclamation Activity. (2) The full legal name and business address of the Principal shall be inserted in the space designated 'Principal' on the face of this form. The bond shall be signed by an authorized person. Where such person is signing in a representative capacity (e.g., an attorney-in-fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, evidence of his authority must be furnished. (3) Corporations executing the bond as sureties must be among those appearing on the Treasury Department's list of approved sureties and must be acting within the limitations set forth therein. (4) Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the work 'Seal', and, if executed in Maine or New Hampshire, shall also affix an adhesive seal. (5) The name of each person signing this bond should be typed in the space provided.

Principal (Legal name and business address)

Southwestern Cement Enterprises, Inc.
3055 Wilshire Boulevard
Los Angeles, California 90010

Date Bond Executed

June 9, 1987

Type of Organization (X Appropriate Box)

☐ Individual

☐ Partnership

☐ Joint Venture

☒ Corporation

Surety(ies) (Name(s) and business address(es))

American Casualty Company of Reading,
Pennsylvania
CNA Plaza
Chicago, Illinois 60685

State of Incorporation

Delaware

PENAL SUM OF BOND

Million(s) \$	Thousand(s) \$	Hundred(s) \$
-	386	000

KNOW ALL MEN BY THESE PRESENTS, That we, the Principal and Surety(ies) hereto, are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum for the payment of which we bind ourselves, and each of our heirs, executors, administrators, and successors, jointly and severally: Provided, That, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum 'jointly and severally' as well as 'severally' only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

SCHEDULE OF OPERATING PLANS - REGION Four

Name of National Forest	Operating Plan Number	Date	Amount Allocated to Operating Plan (\$)	Amount of Allocated Restored (\$)	Date Restored	Unallocated Balance (\$)
Fishlake						

Approved: Donald K. Jew 11/3/87
Fishlake National Forest

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas the Principal has an interest in the Operating Plans identified in the Schedule of Operating Plans above; and

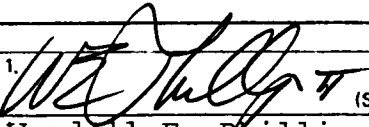
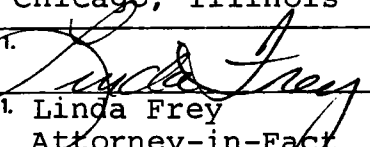
WHEREAS, the Principal and Surety agree that, without notice of the surety, the coverage of this bond, in addition to the present operating plans of the Principal, shall extend to and include:

1. Any operating plan approved by the Forest Service and issued to the Principal in the Region or Forests named above, or later named in a rider, the coverage to become effective immediately upon approval by the Forest Service.
2. Any operating plan hereafter approved by the Forest Service in the Region or Forests named above, to become effective immediately upon approval by the Forest Service.
3. Any extension of the operating plan, such coverage to continue without interruption due to expiration of the operating plan.
4. Any modification of an operating plan, include obligations thereunder, whether made by agreement, suspension of operations, or otherwise; and

WHEREAS, the Principal and Surety hereby agree that notwithstanding the termination of any operating plan covered by this bond, the bond shall remain in full force and effect as to all remaining operating plans covered by this bond.

NOW, THEREFORE, if the Principal shall: Perform and fulfill all the reclamation provisions of all operating plans referred to in the Schedule of Operating Plans and shall also perform and fulfill all the reclamation provisions of any and all duly authorized modifications of said operating plans that may hereafter be made, then the above obligations are to be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this reclamation bond and have affixed their seals on the date set forth above.

PRINCIPAL			
Signature(s)	1.  (Seal)	2. (Seal)	Corporate Seal
Name(s) and Titles (Typed)	Wendell E. Phillips, Assistant Secretary		
SURETY(IES)			
Name and Address	American Casualty Company of Reading, Pennsylvania CNA Plaza Chicago, Illinois 60685	State of Inc. PA	Liability Limit \$386,000.
Signature(s)	1.  2.	Corporate Seal	
Name(s) and Titles (Typed)	1. Linda Frey Attorney-in-Fact 2.		
Bond Premium	Rate Per Thousand \$ 7.50	Total \$ 2,895.00	

Remarks

APPENDIX TO RECLAMATION BOND NO. 1

COMPLIANCE WITH THE UTAH MINED LAND RECLAMATION ACT

1. The operator shall reclaim non-federal lands disturbed by the operation as required by the Utah Mined Land Reclamation Act of 1975, Section 40-8-1, etc., Utah Code Annotated 1953.

2. Prior to release of this bond, the Fishlake National Forest shall obtain written approval from the Division of Oil, Gas & Mining, State of Utah.

The parties to the surety arrangements agree to the above conditions this 9th day of June, 1987.




SOUTHWESTERN CEMENT
ENTERPRISES, INC.

STATE DIVISION OF OIL, GAS
& MINING


FISHLAKE NATIONAL FOREST

AMERICAN CASUALTY COMPANY OF READING,
[INSURANCE COMPANY] PENNSYLVANIA

37LMNS/BB

BY: 
Linda Frey
Attorney-in-Fact



POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men by these Presents, That AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania, and having its principal office in the City of Chicago, and State of Illinois, does hereby make, constitute and appoint Charles H. Harper, Charles C. Campbell,
William R. Plegge, Linda Frey, Dale E. Temple, John Gerety, Tanya L. O'Donohue,
Melanie D. Moon, Individually
of Little Rock, Arkansas
its true and lawful Attorney-in-Fact with full power and authority hereby conferred to sign, seal and execute in its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company:

"Article VI—Execution of Obligations and Appointment of Attorney-in-Fact

Section 2. Appointment of Attorney-in-fact. The President or Vice President may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority, shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Vice President or the Board of Directors may at any time revoke all power and authority previously given to any attorney-in-fact."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 11th day of November, 1966:

"Resolved, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted pursuant to Section 2 of Article VI of the By-Laws, and the signature of the Secretary or an Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power, and any power or certificate bearing such facsimile signatures and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

In Witness Whereof, AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed this 27th day of May, 1987.

State of Illinois) ss
County of Cook |



AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA

J. E. Purtell
J. E. Purtell Vice President.

On this 27th day of May, 1987, before me personally came J. E. Purtell, to me known, who, being by me duly sworn, did depose and say: that he resides in the Village of Glenview, State of Illinois; that he is a Vice-President of AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, the corporation described in the which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.



Leslie A. Smith
Leslie A. Smith Notary Public.

CERTIFICATE My Commission Expires November 12, 1990

I, Robert E. Ayo, Assistant Secretary of AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, do certify that the Power of Attorney herein above set forth is still in force, and further certify that Section 2 of Article VI of the By-Laws of the Company and the Resolution of the Board of Directors, set forth in said Power of Attorney are still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said Company this 9th day of June, 1987.



Robert E. Ayo
Robert E. Ayo Assistant Secretary.

RECLAMATION BOND

DWS 11/16/87

(Minerals - Operating Plan) BOND NO. _____

Principal (Legal name and business address) Martin Marietta Corporation Martin Marietta Cement Western Division P.O. Box 45586, Tulsa, Oklahoma 74145		Forest Service Region & Unit No. _____ 2850 _____	
Surety(ies) (Name(s) and business address(es)) General Insurance Company of America 110 William St. New York, New York 10038		Date Rec'd _____ Date Bond Executed (Must be same or later than date of Operating Plan) February 14, 1980	
Type of Organization ("X" one) <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> JOINT VENTURE <input checked="" type="checkbox"/> CORPORATION		State of Incorporation Maryland	
		PENAL SUM OF BOND	
		MILLION(s)	THOUSAND(s)
			386
		HUNDRED(s)	000
		CENT(s)	00

KNOW ALL MEN BY THESE PRESENTS, That we, the Principal and Surety(ies) hereto, are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators and successors, jointly and severally: Provided, That, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas the Principal entered into the Operating Plan identified above:

NOW, THEREFORE, if the Principal shall:

Perform and fulfill all the reclamation provisions of said Operating Plan during the original term of said Operating Plan and any extensions thereof that may be granted by the Government, with or without notice to the Surety(ies), and during the life of any guaranty required under the Operating Plan; and shall also perform and fulfill all the reclamation provisions of any and all duly authorized modifications of said Operating Plan that may hereafter be made, notice of which modifications to the Surety(ies) being hereby waived; then the above obligation shall be void and of no effect.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this reclamation bond and have affixed their seals on the date set forth above.

PRINCIPAL			CORPORATE SEAL
SIGNATURE(s)	(Seal)	(Seal)	
<i>John H. Knies</i>		<i>Sharon A. Lynch</i>	
Name(s) & Title(s) (Typed) John H. Knies Assistant Treasurer		Sharon A. Lynch Assistant Secretary	

CORPORATE SURETY(IES)

NAME and ADDRESS General Insurance Company of America 110 William St. New York, New York 10038		STATE of INC. Washington	LIABILITY LIMIT \$13,728,000	CORPORATE SEAL
SIGNATURE(s)	1. <i>Stephen A. Brown</i>	2.		
Name(s) & Title(s) (Typed)	1. Stephen A. Brown Attorney in Fact	2.		

BOND PREMIUM	Rate Per Thousand \$6.25	Total \$2,413
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INSTRUCTIONS

1. The full legal name and business address of the Principal shall be inserted in the space designated "Principal" on page one of this form. The bond shall be signed by an authorized person. Where such person is signing in a representative capacity (e.g., an attorney-in-fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, evidence of his authority must be furnished.
2. Corporations executing the bond as sureties must be among those appearing on the Treasury Department's list of approved sureties and must be acting within the limitations set forth therein. Where more than a single corporate surety is involved their names and addresses (city and state) shall be inserted in the spaces headed "CORPORATE SURETY(IES)", and in the space designated "SURETY(IES)" on the face of this form only the letter identification of the Sureties shall be inserted.
3. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the word "Seal"; and, if executed in Maine or New Hampshire, shall also affix an adhesive seal.
4. The name of each person signing this reclamation bond should be typed in the space provided.



POWER OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA
GENERAL INSURANCE COMPANY OF AMERICA
HOME OFFICE: SAFECO PLAZA
SEATTLE, WASHINGTON 98185

No. 4447

KNOW ALL BY THESE PRESENTS:

That **SAFECO Insurance Company of America** and **General Insurance Company of America**, each a Washington corporation, does each hereby appoint

-----STEPHEN A. BROWN-----

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, **SAFECO Insurance Company of America** and **General Insurance Company of America** have each executed and attested these presents

this 10th day of January, 19 74

CERTIFICATE

Extract from Article VI, Section 12, of the By-Laws of **SAFECO Insurance Company of America**
and of **General Insurance Company of America**:

"Article VI, Section 12, — FIDELITY AND SURETY BONDS ... the President, any Vice President, and the Secretary shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business ... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of **SAFECO Insurance Company of America** and
of **General Insurance Company of America** adopted July 28, 1970:

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,
(i) The provisions of Article VI, Section 12 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,
the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Wm. Hammersla, Vice President and Secretary of **SAFECO Insurance Company of America** and of **General Insurance Company of America**, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power-of-Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power-of-Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of each corporation

this 14th day of February, 19 80

GENERAL INSURANCE COMPANY OF AMERICA
FINANCIAL STATEMENT – DECEMBER 31, 1978

Assets		Liabilities	
Cash and Bank Deposits	\$ 5,639,952	Unearned Premiums	\$102,304,737
*Bonds – U.S. Government	3,493,198	Reserve for Claims and Claims Expense	192,666,456
*Other Bonds	232,470,622	Reserve for Dividends to Policyholders	1,726,050
*Stocks	177,297,706	Additional Statutory Reserve	7,610,194
Real Estate	22,941,343	Reserve for Commissions, Taxes and	
Agents Balances or Uncollected Premiums ...	20,111,404	Other Liabilities	29,438,611
Accrued Interest and Rents	4,911,110	Total	333,746,048
Other Admitted Assets	4,158,097	Capital Stock	\$ 2,000,000
		Paid in Surplus	11,141,058
		Unassigned Surplus	124,136,326
		Surplus to Policyholders	137,277,384
Total Admitted Assets	<u>\$471,023,432</u>	Total Liabilities.....	<u>\$471,023,432</u>



*Bonds are stated at amortized or investment value; Stocks at Association Market Values.
 Securities carried at \$18,376,197 are deposited as required by law.

I, D. E. SPICKARD, a vice president of General Insurance Company of America, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 1978, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 6th day of March, 1979.

D E Spickard

Vice President

APPENDIX TO RECLAMATION BOND NO. 1

COMPLIANCE WITH THE UTAH MINED LAND RECLAMATION ACT

1. The operator shall reclaim non-federal lands disturbed by the operation as required by the Utah Mined Land Reclamation Act of 1975, Section 40-8-1, etc., Utah Code Annotated 1953.

2. Prior to release of this bond, the Fishlake National Forest shall obtain written approval from the Division of Oil, Gas and Mining, State of Utah.

The parties to the surety arrangements agree to the above conditions this
27th day of June, 1980.

MARTIN MARIETTA CORPORATION

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X MARTIN MARIETTA CEMENT COMPANY X

Donald W. Daniels
STATE DIVISION OF OIL, GAS & MINING

Harold M. Hubbard
FISHLAKE NATIONAL FOREST

Natalie Reingold
GENERAL INSURANCE COMPANY OF AMERICA
Natalie Reingold, Attorney-in-Fact